

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA, <i>ex rel.</i>)
LUAY D.F. AILABOUNI, M.D., STATE OF)
ILLINOIS <i>ex rel.</i> LUAY D.F. AILABOUNI,)
M.D., AND LUAY D.F. AILABOUNI,)
M.D., individually)
)
Plaintiffs,)
)
v.)
)
ADVOCATE HEALTH AND HOSPITALS)
CORPORATION, ADVOCATE CHRIST)
HOSPITAL AND MEDICAL CENTER,)
ADVOCATE HEALTH CARE NETWORK)
ADVOCATE MEDICAL GROUP, GEORGE)
F. MESLEH M.D., RODNEY H. THILL,)
M.D., WILLIAM M. HOPKINS, M.D.,)
CARDIOTHORACIC & VASCULAR)
SURGERY ASSOCIATES, DEAN M.)
GOVASTIS, M.D., MARTIN I. ELLENBY,)
M.D., PAUL J. GORDON, M.D., and)
SAMMI NAWAS, M.D.,)
)
Defendants.)

FILED
AUG 09 2016
Chief Judge Ruben Castillo
United States District Court

THE UNITED STATES' AND STATE OF ILLINOIS'
NOTICE OF ELECTION TO DECLINE INTERVENTION

The United States, by its attorney, Zachary T. Fardon, United States Attorney for the Northern District of Illinois, and the State of Illinois, by its attorney, Lisa Madigan, Illinois Attorney General, hereby notify the court pursuant to the False Claims Act, 31 U.S.C. § 3730 (b)(2)(A), and the Illinois False Claims Act, 740 ILCS 175/4 (b)(2) and (4), of their decision not to intervene in this action, and state:

1. Although the United States and the State of Illinois decline to enter their appearance, we refer the court to 31 U.S.C. § 3730 (b)(1) and 740 ILCS 175/4 (b)(1), which allows the relators to

maintain the action in the name of the United States and the State Illinois respectively; providing, however, that the "action may be dismissed only if the court and the Attorney General give written consent to the dismissal and their reasons for consenting."

2. Therefore, if either the relators or the defendants propose that this action be dismissed, settled, or otherwise discontinued, this court should solicit the written consent of the United States and the State of Illinois before ruling or granting its approval.

3. The United States, pursuant to 31 U.S.C. § 3720 (c)(3), and the State of Illinois, pursuant to 740 ILCS 175/4 (c)(3), request that all pleadings filed in this action be served upon the United States and the State of Illinois. The United States and the State of Illinois reserve their right to order any deposition transcripts and to intervene in this action, for good cause, at a later date.

4. The United States and the State of Illinois also request that only the complaint, this notice, and the court's order be unsealed and served upon the defendants. All other contents of the court's file in this matter should remain under seal and not be made public or served upon the defendants.

5. Counsel for the United States has been informed that relator intends to proceed with this litigation.

6. A proposed order accompanies this notice.

Respectfully submitted,

ZACHARY T. FARDON
United States Attorney

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Dated: August 9, 2016